

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

CHERYL KATER and SUZIE KELLY,  
individually and on behalf of all others  
similarly situated,

*Plaintiffs,*

v.

CHURCHILL DOWNS INCORPORATED, a  
Kentucky corporation, and BIG FISH  
GAMES, INC., a Washington corporation.

*Defendants.*

No. 15-cv-00612-RBL

**DECLARATION OF AUSTIN  
PRATHER**

MANASA THIMMEGOWDA, individually  
and on behalf of all others similarly situated,

*Plaintiff,*

v.

BIG FISH GAMES, INC., a Washington  
corporation; ARISTOCRAT  
TECHNOLOGIES INC., a Nevada  
corporation; ARISTOCRAT LEISURE  
LIMITED, an Australian corporation; and  
CHURCHILL DOWNS INCORPORATED, a  
Kentucky corporation,

*Defendants.*

No. 19-cv-00199-RBL

**DECLARATION OF AUSTIN  
PRATHER**

1 Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

2 1. I am a paralegal at Edelson PC, which has been retained to represent Plaintiffs in  
3 the above-captioned matters. I am entering this declaration in support of Plaintiffs' Motion for  
4 Certification Of A Rule 23(b)(2) Class And For Preliminary Injunction.

5 2. I have personal knowledge of the matters stated herein and, if called upon, I could  
6 and would competently testify thereto.

7 3. Beginning on January 30, 2020, at the direction of an attorney at Edelson PC,  
8 Todd Logan, I began analyzing the information contained in 176 emails that self-identified Big  
9 Fish players sent—through Plaintiff's counsel—to members of the Washington State Legislature  
10 about their losses to social casino games.

11 4. My task, as directed by attorney Logan, was—using the 176 emails as a raw  
12 dataset—to model what proportion of Big Fish revenues are made from putative class members  
13 in varying tranches of lifetime losses to Big Fish. The relevant tranches were selected as \$0-  
14 \$99.99 dollars, \$100-\$999.99 dollars, \$1,000-\$9,999.99 dollars, \$10,000-\$49,999.99 dollars, and  
15 \$50,000+ dollars.

16 5. I took multiple steps to ensure that the data I used for my analysis was true and  
17 accurate. Those were: (1) for individuals who submitted duplicate emails, where the amount of  
18 money reportedly lost was identical in each entry, I removed the duplicates from my analysis; (2)  
19 for individuals who submitted multiple emails, where the amount of money reportedly lost varied  
20 across emails, I took the average of those values and used the average for that individual; (3) for  
21 individuals who provided a range of money that they had reportedly lost, I used the lowest value  
22 of the range (*e.g.*, if a consumer said they had lost between \$50,000-\$60,000 dollars, I entered  
23 their losses as \$50,000); and (4) for individuals who did not denote a specific dollar loss (*e.g.*,  
24 individuals who reported losing “thousands”), I removed those emails from my analysis.

25 6. After taking these steps to standardize the data, I determined that I had 146 unique  
26 player records that could be sorted into the previously mentioned tranches.

7. Once sorted, I found 0 individuals had reported losses between \$0-\$99; 9 individuals had reported losses between \$100-\$999 (for a total of \$3,950); 43 individuals had reported losses between \$1,000-\$9,999 dollars (for a total of \$179,745); 54 individuals had reported losses between \$10,000-\$49,999 (for a total of \$1,136,500); and 40 individuals had reported losses in excess of \$50,000 (for a total of \$7,284,500). I identified 27 individuals reporting losses in excess of \$100,000, with the highest reported loss being \$750,000. In sum, these 146 individuals had losses of \$8,604,695, indicating an average reported loss of \$58,936 across the dataset.

8. Exhibit 1 to this declaration, as well as Figure 1 in Plaintiffs' Motion For Certification Of A Rule 23(b)(2) Class And For Preliminary Injunction, are both true and accurate graphical representations of my analysis of the above-described data. The red line on the graph represents the number of individuals whose reported losses fall within the particular range, and the blue bars represent the total losses from individuals with individual losses falling within that particular range.

9. Pursuant to Federal Rule of Evidence 1006, Figure 1 reflects a summary, chart, and/or calculation to prove the content of voluminous writings and records. The underlying letters can be produced upon request, though given the nature of their content, personally identifying information may need to be redacted for privacy purposes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 20, 2020 at San Francisco, California.

Austin Prather

Austin Prather